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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,376	01/22/2004	David P. Beuck	RIC-03-005	2418

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EXAMINER

D'AGOSTA, STEPHEN M

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/761,376	BEUCK, DAVID P.	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 is/are allowed.
- 6) ☒ Claim(s) 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20 and 27-28 rejected under 35 U.S.C. 102(b) as being anticipated by Crowson et al. US 2002/0000930.

As per **claim 20**, Crowson teaches a server for receiving location information from a locator device, the server comprising:

a database configured to store information associated with a plurality of users, the information including contact information and a physical description associated with each of the users, and a processing device configured to:

receive a signal transmitted from the locator device associated with a first one of the users, and

identify contact information associated with the first user stored in the database (See paragraph 34 which teaches a location server that allows a user to send a signal to the server so that it can locate said user. The system uses a database server to store physical description data:

As indicated above, the database 66 stores profile information for each user of the location detection service. For example, a carrier of a position sensing system 52 may wish to activate a button on the two-way pager 56 that causes his or her current location to be stored in the database and accessed by a few key individuals. What to do with the location information and the identity of the users and their passwords as to who can access the information are therefore stored in the database 66.

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Alternatively, if the user presses another button on the two-way pager 56, the location database 66 stores a rule that causes the location determination service 64 to contact an emergency agency and have emergency personnel dispatched to the user's location. In addition, the database 66 may store a physical description of the carrier of the position-sensing device 52 so that this information can be given to emergency personnel if desired.

Crowson also teaches (paragraph 20) storing contact information (eg. phone number) of the mobile unit:

Based on the identifier of the calling cellular telephone 50, the location determination service 64 accesses a database 66 that determines if the cellular phone is equipped with a position sensing system 52.

As per **claim 27**, Crowson teaches claim 20, wherein the signal includes location information identifying a location of the locator device (Para #20 and #34).

As per **claim 28**, Crowson teaches claim 27 wherein the signal represents an emergency request message (Para #34).

Claims 21-23 and 25-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Crowson and Agre.

As per **claims 21 and 23**, Crowson teaches claim 21, and using the database for the location of each user and sending a physical description (see Para #34 which teaches determining location of the user and sending physical description to emergency personnel) **but is silent on** to the nearest locating party.

Agre teaches (figure 3a, steps 106 and 108) determining which service providers are available to support the mobile (see C7, L24 to C8, L15). One skilled understands that this "determination step" either requires real-time negotiations and/or a previously predetermined negotiation. The most common negotiation means would be person-to-person and/or a phone call. Secondary means would be via email and/or fax. Furthermore, Agre teaches directing calls to the nearest emergency services center (abstract) which again requires previous negotiation. The examiner takes **Official Notice** that one skilled would perform contacting a preferred provider via in-person means and/or via email/fax.

It would have been obvious to one skilled in the art at the time of the invention to modify Crowson, such that contacting the preferred provider via one of a voice telephone call, a facsimile message, and an e-mail message, to provide means for setting up the new service provider link.

As per **claims 22 and 25-26**, Crowson teaches claim 21/20 **but is silent on** contacting the nearest locating party via one of a voice telephone call, a facsimile message, and an e-mail message.

Agre teaches (figure 3a, steps 106 and 108) determining which service providers are available to support the mobile (see C7, L24 to C8, L15). One skilled understands that this "determination step" either requires real-time negotiations and/or a previously predetermined negotiation. The most common negotiation means would be person-to-person and/or a phone call. Secondary means would be via email and/or fax. Furthermore, Agre teaches directing calls to the nearest emergency services center (abstract) which again requires previous negotiation. The examiner takes **Official**

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Notice that one skilled would perform contacting a preferred provider via in-person means and/or via email/fax.

It would have been obvious to one skilled in the art at the time of the invention to modify Crowson, such that contacting the preferred provider via one of a voice telephone call, a facsimile message, and an e-mail message, to provide means for setting up the new service provider link.

Claim 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Crowson and Copley US 6,650,902.

As per **claim 24**, Crowson teaches claim 20 **but is silent on**, comprising:
a network interface configured to connect the server to a network, wherein the server is configured to send a command to the locator device to change a rate of reporting of the locator device to the database server.

Copley teaches adjusting the rate at which the unit transmits location data messages:

"...Messages are transmitted periodically from the portable device to a monitoring system via a wireless telephone network. The messages include the location of the portable device and the operational status of the wearable device. Transmission rate of the messages from the portable device to the monitoring system is adjusted by reducing the transmission rate when the portable device is within a specified region and increasing the transmission rate when the portable device is outside the specified region..." (C1, L60 to C2, L35).

It would have been obvious to one skilled in the art at the time of the invention to modify Crowson, such that it has a network interface configured to connect the server to a network, wherein the server is configured to send a command to the locator device to change a rate of reporting of the locator device to the database server, to provide means for the network operator to change the message reporting rate.

Allowable Subject Matter

Claims 1-19 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

1. These claims recite highly specific designs which are not found, either alone or in combination, in the prior art of record.

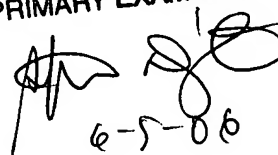
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVE M. D'AGOSTA
PRIMARY EXAMINER



6-5-06